

FILED  
2024 FEB 2 AM 8:54  
CLERK  
U.S. DISTRICT COURT

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Pro Se Litigant

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**IN THE UNITED STATES DISTRICT COURT DISTRICT FOR  
THE DISTRICT OF UTAH, CENTRAL DIVISION**

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**RUSSELL G. GREER,**

Plaintiff

v.

**JOSHUA MOON**, publisher of the website  
Kiwi Farms, **and KIWI FARMS**, a website

Defendants

**PLAINTIFF'S RESPONSE TO DOC. 74  
(DEFENDANTS' NOTICE)**

Case No.: 2:20-cv-00647

Judge David Barlow  
Magistrate Judge: Jared C. Bennett

Plaintiff Russell Greer replies to Doc. 74. Plaintiff has not filed the proposed scheduling order for several reasons:

1. Plaintiff interpreted the order as saying that Plaintiff had 35 days to file the scheduling order if an agreement could not be reached. 35 days from the date of the Order to Propose would be 02-08-24. If plaintiff misunderstood the order's due date, he apologizes.

2. 14 days after the order, Plaintiff reached out to Defendants' counsel and there didn't seem to be any wanting to work with plaintiff, just scolding plaintiff over interpretation of the order.

**Exhibit A.**

3. Users on Defendants' website continue their pattern of stalking behavior towards Plaintiff. Time Greer could spend drafting a schedule is spent contacting legal departments trying to get the abuse to stop. See **Exhibit B:** (1) one of Moon's users derided Plaintiff in his/her email subject line for using a private mailbox when Greer filed his Notice of Address Change (email was not open), (2) contacting the anonymous email provider that Moon's users are using to try getting the harassing emails to stop (yes, all summer and fall, kiwi farms users have harassed Plaintiff continuously) and (3) asking a British Kiwi Farms user for the 4<sup>th</sup> time to stop contacting Plaintiff (said user has taunted Greer over this present case and Greer has tried blocking this user on many fronts). It's emotionally exhausting dealing with Kiwi Farms and their abusive practices.

4. In terms of trying to resolve the case, Defendants ignored emails from both Plaintiff's appellate counsel in November and from plaintiff himself on 01-02-24. **Exhibit C.** The 01-02-24 offer was pretty simple: (1) have defendant remove plaintiff from the kiwi farms site and (2) have defendant install a code to prevent any further mention of plaintiff. This offer was echoed in the 2022 10th Circuit mediation hearing. Defendants ignored both offers.

5. So it is quite unusual, and borderline frivolous, that Defendants are filing paper after paper when Plaintiff has offered to resolve the case in other ways and when the perceived 35 day time limit to propose a schedule has not even expired.

6., Because defendants have filed a brick ton of motions on plaintiff, it has slowed him down from proposing a schedule and has left plaintiff confused on what to even propose.

Plaintiff will file the proposed schedule by the date of 2-8-24.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'R Greer', with a long horizontal stroke extending to the right.

By:

Russell Greer

Pro Se Litigant

/rgreer

**01-02-24**

**Certificate of Service**

Plaintiff affirms that service was made to Defendants via the Court's electronic filing system.

**Exhibit A**

4:48 🌙

📶 LTE 49

&lt; Sent

**Russell Greer**

1/17/24

To: Matthew &amp; 1 more... &gt;

## Scheduling meeting

Good afternoon,

Per the judge's order, we are supposed to stipulate for a scheduling conference. Not sure if you're amenable to that. If not, seeing that you have ignored my other emails, I will invoke the 35 day period to propose a scheduling order.



4:49 🌙

📶 LTE 48

&lt; Sent

^ v

**Russell Greer**

1/20/24

To: Matthew Hardin &gt;

## Re: Scheduling meeting

Well, you're right. We are reading it differently, but to be frank, both my former counsel and I did reach out to you to attempt out of court mediation and that was ignored. You never contacted me about a scheduling order and so the way I read it was I had 35 days after the date of that order.

Sent from my iPhone

On Jan 17, 2024, at 1:06 PM, Russell Greer <[russmark@gmail.com](mailto:russmark@gmail.com)> wrote:

Good afternoon,

Per the judge's order, we are supposed to stipulate for a scheduling conference. Not sure if you're amenable to that. If not, seeing that you have ignored my other emails, I will invoke the 35 day period to




**Exhibit B**

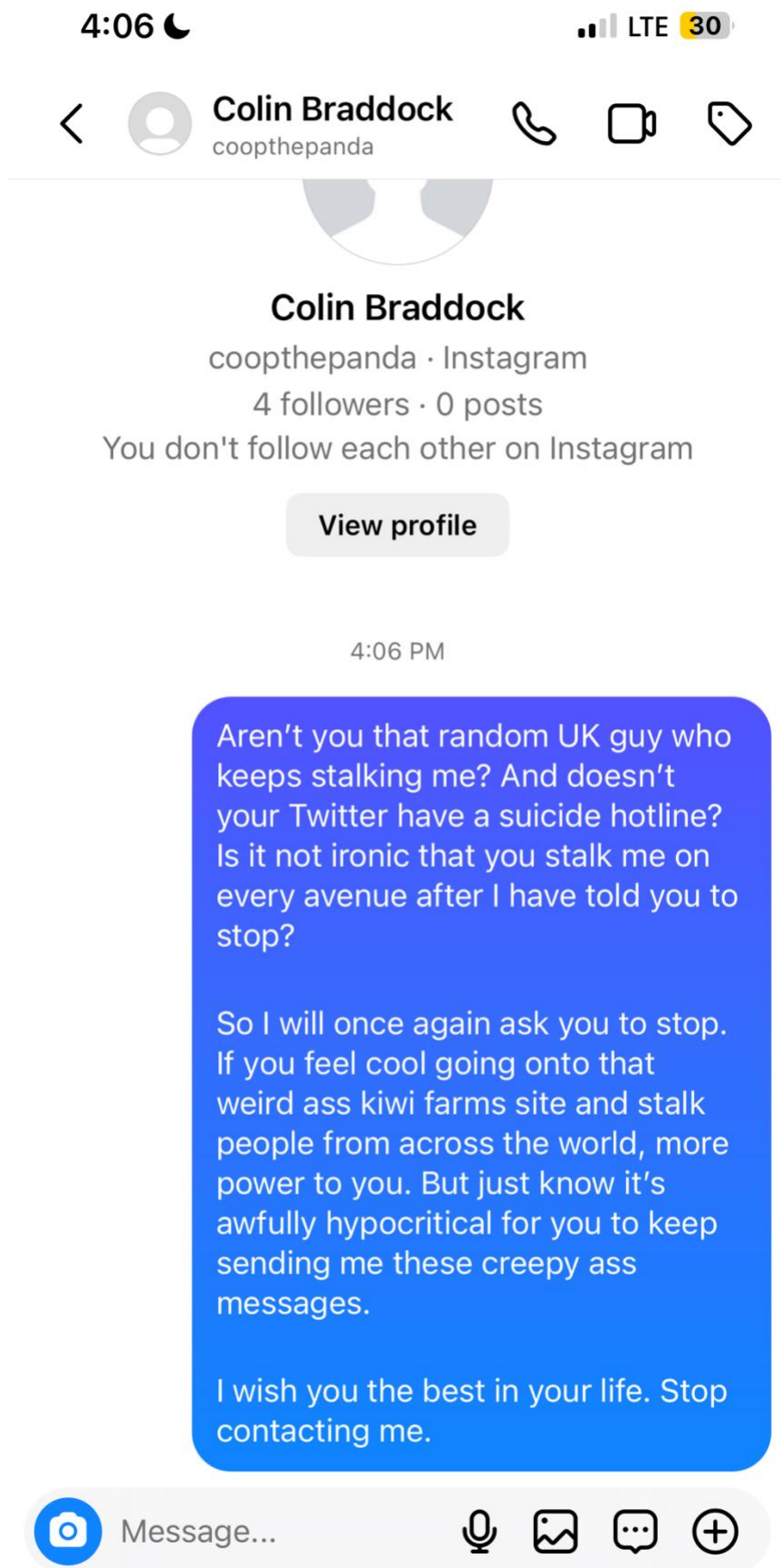


8:45  LTE  10[< Mailboxes](#)[Edit](#)

# All Inboxes

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- 086f6510-52dc-41ad-a8fe... 8:41   
Moved your mail to a fucking PACKAGE STORE

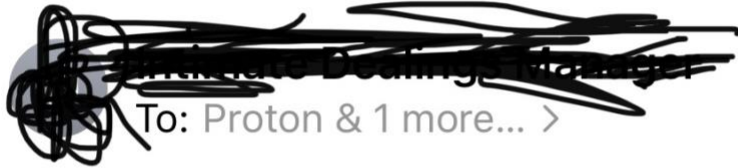


4:54 🌙

📶 LTE 47

&lt; Sent

^ v



1/12/24



## **Fwd: Your "brothels"**

Good afternoon,

This user is harassing me. Please deactivate their account and please ensure that your proton site users cannot contact me. At the very least, please disable whoever is sending me messages from having access to your site. I'm tired of dealing with it.

This seems to be a continuing problem and am probably going to involve law enforcement.

**Russell**

**Exhibit C**

4:06 🌙

LTE 56

&lt; Sent

Attorney Conferral -...



And most importantly: when I wrote your client, I asked him very sincerely to remove me and my copyrights. How he replied with such disregard for my feelings and how he then published it, really hurt.

I'm so incredibly grateful for the tenth circuit ruling in my favor because even a blind man can see that Moon is contributing to the infringement and harassment.

With that all said, I want to ask through email for Moon to settle this case for a few reasons:

1. I simply want to move on with my life.
2. I'm tired of hearing about kiwi farms.
3. This case should have been settled at least last year. That's right. Back in April of 2022, DJF, myself, Moon and the Skordas firm had a mediation. I simply wanted to be removed from the site and Moon was so incredibly cocky and rude.

I feel I will win:

- 1.. The district court judge recused herself and to me. that's a sign that she knows she





4:06 🌙

LTE 56

&lt; Sent

Attorney Conferral -...



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3. This case should have been settled at least last year. That's right. Back in April of 2022, DJF, myself, Moon and the Skordas firm had a mediation. I simply wanted to be removed from the site and Moon was so incredibly cocky and rude.

I feel I will win:

- 1.. The district court judge recused herself and to me, that's a sign that she knows she F'd up. Even my former counsel thought that.

2. I can easily overcome any fair use affirmative defense.

My offer:

1. Joshua Moon pays my appellate lawyer fees. Andrew can give you an exact cost of what they are.
2. Joshua Moon removes me from kiwi farms and any other associated site he runs.
3. Moon installs a code to ensure I stay off the site.



